

Article 3: Civil Service

Division 17: Discrimination Complaints

*(“Discrimination Complaints”
added 5-29-1979 by O-12665 N.S.)*

§23.1701 Policy

(Rule XVI, Section 1 of the Rules of the Civil Service Commission)

It shall be an unlawful employment practice for an appointing authority to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, marital status, religion, sex, sexual orientation, national origin, age, or disability.

(Amended 4-22-1991 by O-17631 N.S.)

§23.1702 Investigations

(Rule XVI, Section 2 of the Rules of the Civil Service Commission)

The Personnel Director shall investigate all complaints of discrimination because of race, color, marital status, religion, sex, sexual orientation, national origin, age, or disability filed by an employee, former employee, or applicant for City employment concerning an employment practice of the City.

- (a) The complainant must submit written charges to the Personnel Director within thirty (30) days of the alleged discriminatory act unless there are circumstances which justify late submission.
- (b) A complainant shall not be discriminated or retaliated against because of initiation of a complaint under this rule.
- (c) The Personnel Director shall conduct a complete investigation of the complaint and present findings and recommendations to the Civil Service Commission.

(Amended 4-22-1991 by O-17631 N.S.)

§23.1703 Hearing

(Rule XVI, Section 3 of the Rules of the Civil Service Commission)

The Commission shall fix a time and place for a hearing of the complaint.

- (a) The complainant may withdraw the complaint in writing before the hearing or orally at the hearing.
- (b) The complainant and the appointing authority can produce witnesses and testimony and may be represented by counsel.
- (c) The Commission shall have the power to subpoena and require the attendance of witnesses and the production of pertinent documents, and to administer oaths.
- (d) The proceedings shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the matter through oral testimony and records presented at the hearing, which is best calculated to ascertain the substantial rights of the parties.

("Hearing" added 5-29-1979 by O-12665 N.S.)

§23.1704 Findings and Decisions

(Rule XVI, Section 4 of the Rules of the Civil Service Commission)

The Commission can accept, dismiss, or modify the findings and recommendations of the Personnel Director. The Commission shall report its findings and decisions to the appointing authority responsible for the employment practice. Thereupon, said appointing authority shall make such final disposition of the matter as may be determined by the Commission. The Commission may, at its discretion:

- (a) order reinstatement of an employee who has been terminated;
- (b) order an appointing authority to hire an applicant for employment;
- (c) order payment of wages that have been lost or some portion thereof;
- (d) order retroactive seniority credits;
- (e) order placement of the complainant at the top of an eligibility list;
- (f) direct an appointing authority to correct any discriminatory employment practice; or

- (g) order any other remedies it deems appropriate.
(*“Findings and Decisions” added 5–29–1979 by O–12665 N.S.*)

